

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 202000121	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/02/2020 4:00 PM	Location of Incident: § 87(2)(b)	Precinct: 17	18 Mo. SOL 7/2/2021	EO SOL 2/16/2022	
Date/Time CV Reported Mon, 01/06/2020 3:20 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/06/2020 3:20 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Carlucci	03169	956493	017 PCT
2. POM John Lamneck	15507	956822	017 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Prestigiacomio	29483	965426	017 PCT
2. POM Anthony Castrillon	01854	963441	017 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Lamneck	Force: Police Officer John Lamneck used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Christophe Carlucci	Force: Police Officer Christophe Carlucci used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM John Lamneck	Discourtesy: Police Officer John Lamneck spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.POM John Lamneck	Discourtesy: Police Officer John Lamneck spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POM Christophe Carlucci	Abuse: Police Officer Christophe Carlucci forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
F.POM John Lamneck	Abuse: Police Officer John Lamneck forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On January 6, 2020, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On January 2, 2020, at approximately 4 p.m., § 87(2)(b) was taking a walk, when he stopped in front of § 87(2)(b) in Manhattan to look through the recycling that was being placed on the sidewalk by the superintendent. § 87(2)(b) approached the recycling bags, with the intention of looking through them, when the superintendent told him that he could not look through the bags and that he should go home. § 87(2)(b) refused and, after a back and forth with the superintendent, she called the police. Two officers, Police Officer John Lamneck and Police Officer Christopher Carlucci—both of the 17th Precinct, arrived on scene. PO Lamneck and PO Carlucci approached § 87(2)(b) who began screaming at them. After a few seconds of their arrival, both officers used physical force against § 87(2)(b) in order to place him in handcuffs (**Allegations A and B-Force: Physical Force**, § 87(2)(g)). A struggle ensued, where PO Lamneck was giving § 87(2)(b) commands, among which he told him to stop “fucking with [him]” and that he was “fucking sick of [his] shit” (**Allegation C-Discourtesy: Word**, § 87(2)(g)).

PO Lamneck called an ambulance for an emotionally disturbed person (EDP). While waiting for the ambulance, PO Lamneck and PO Carlucci were on either side of § 87(2)(b) holding him in place. § 87(2)(b) continuously shouted, at which point PO Lamneck told § 87(2)(b) to “shut the fuck up” and “I don’t understand what the fuck you are saying” (**Allegation D-Discourtesy: Word**, § 87(2)(g)).

After at least five minutes, the ambulance arrived. PO Lamneck and PO Carlucci escorted § 87(2)(b) into the ambulance and strapped him into the stretcher. PO Carlucci called § 87(2)(b)’s daughter, who spoke to an unidentified EMT regarding § 87(2)(b)’s medical history. PO Lamneck remained in the ambulance with § 87(2)(b) while PO Carlucci escorted the ambulance to § 87(2)(b) Hospital in his marked police vehicle (**Allegations E and F- Abuse of Authority: Forcible Removal to the Hospital**, § 87(2)(g)).

There were no summonses issued or arrests made at the result of this incident.

The investigation obtained surveillance footage pertaining to this incident (BR01), provided by the residential unit at § 87(2)(b) in addition to PO Lamneck and PO Carlucci’s BWC (BR02, BR21), provided by the NYPD.

Findings and Recommendations

Allegation (A) Force: Police Officer John Lamneck used physical force against § 87(2)(b).

Allegation (B) Force: Police Officer Christopher Carlucci used physical force against § 87(2)(b).

Surveillance footage of the incident upon the officer’s arrival (BR01), provided by the residential building on § 87(2)(b) shows that, while PO Lamneck and PO Carlucci were walking Westbound toward § 87(2)(b) at the 2:28 mark, § 87(2)(b) makes multiple hand movements as he speaks with § 87(2)(b) movements including crossing his right wrist over his left, where he brings his extended right arm from the left to the right in a swift motion. From the 2:32 mark to the 2:40 mark (BR01) PO Lamneck and PO Carlucci reach § 87(2)(b) and speak to him, which § 87(2)(b) responds to by pointing repeatedly at PO Carlucci and tensing his body. At the 2:41 mark, PO Lamneck takes out his handcuffs and reaches for § 87(2)(b)’s left wrist. § 87(2)(b) turns his body toward PO Lamneck and begins moving both of his arms up and down quickly, at which point PO Carlucci grabs his right arm. From the 2:44 mark to the 3:04 mark, § 87(2)(b) is actively resisting by moving away from the officers, pulling his left hand away from PO Lamneck, tightening his right hand grip on his cane, which PO Carlucci was trying to take from him, and pushing PO Lamneck toward the building behind them. At the 3:05 mark, PO Lamneck

pushes § 87(2)(b) into the black trash bags by the curb, with PO Carlucci aiding him in bending § 87(2)(b) over and attempting to place the handcuffs on him. § 87(2)(b) is continuously resisting, visibly trying to get out of the grip of the officers by moving his body around quickly and attempting to kick one of the officers at the 3:08 mark. At the 3:13 mark, PO Lamneck grabs § 87(2)(b)'s left shoulder and forcibly bends § 87(2)(b) into the trash bags, as § 87(2)(b) continued to stand upright, despite the officers attempting to bend him over. From the 3:15 mark to the 3:24 mark, there appears to be a struggle but both officers are blocking § 87(2)(b) and the activity is not clear. At the 3:26 mark, PO Lamneck lifts § 87(2)(b) by the back are of his coat collar and pushes him into the pile of garbage slightly to the left, which causes § 87(2)(b) to fall to his knees. At the 3:35 mark, the officers successfully get § 87(2)(b)'s arms behind his back and PO Carlucci places the handcuffs on him.

PO Lamneck and PO Carlucci's Body-Worn Camera footage (BR02, BR21) both provide audio and visual representations of their interaction with § 87(2)(b) given that both BWCs are similar, the investigation will refer to one video—PO Lamneck's BWC. PO Lamneck's BWC (BR02) shows that at the 0:36 mark, § 87(2)(b) points his finger, with his arm extended, at PO Carlucci and appears to shout something. At the 0:42 mark, PO Lamneck reaches for § 87(2)(b)'s left arm, and § 87(2)(b) pulls away. At the 1:00 mark, the audio begins, and § 87(2)(b) says "cowards", and continuously asks, "why?", as the officers attempt to restrain him. From the 0:53 mark to the 1:35 mark, PO Carlucci and PO Lamneck struggle to get § 87(2)(b) in handcuffs, while giving him multiple commands, including stop and put your hands behind your back.

§ 87(2)(b) (BR03) stated that upon arrival, PO Lamneck and PO Carlucci first spoke with the superintendent for about three minutes, after which both officers approached § 87(2)(b) and told him to go home. § 87(2)(b) asked the officers why he had to go home, and they responded that he must go back home or go to the hospital. PO Lamneck and PO Carlucci called for another unit to assist them, after which § 87(2)(b) would continue to ask "why" to the commands PO Carlucci and PO Lamneck gave him. § 87(2)(b) was familiar with the two officers that arrived—later identified as PO Brian Prestigiacomio and PO Anthony Castrillon. PO Lamneck and PO Carlucci began handcuffing him shortly after the additional unit's arrival. PO Lamneck took § 87(2)(b)'s left arm and placed a cuff on it. § 87(2)(b) told PO Lamneck not to touch him, while he began resisting. PO Carlucci assisted PO Lamneck, grabbing § 87(2)(b)'s right arm and placing a cuff on it, at which point § 87(2)(b) continued to resist.

§ 87(2)(b) the superintendent—stated (BR04) that she and her daughter were taking out the garbage § 87(2)(b) came and began to look through it. § 87(2)(b) stated that he could do that, but she asked him if he could wait until she was finished because he was disrupting her work. § 87(2)(b) did not understand and became upset. § 87(2)(b) attempted to tell § 87(2)(b) to go across the street and look for bottles there, meanwhile she finishes; however, § 87(2)(b) did not understand her and continued to become upset. § 87(2)(b) called the neighborhood coordination officers to come and speak to § 87(2)(b). When the officers arrived, § 87(2)(b) and her daughter continued bringing the garbage out from the basement; therefore, she did not hear or see the interaction between § 87(2)(b) and the officers.

PO Lamneck (BR05) stated that PO Carlucci received a call on his department issued cellphone from § 87(2)(b) who stated that there was a male going through the garbage, blocking her from doing her job and being irate. As he and PO Carlucci approached the scene, § 87(2)(b) was screaming and yelling at § 87(2)(b) and another civilian she was working with—identified to be her daughter. When he reached § 87(2)(b) PO Lamneck asked him what he was doing and told him to go home. PO Lamneck did not recall PO Carlucci making any statements to § 87(2)(b). PO Lamneck observed a pair of scissors hanging from a necklace § 87(2)(b) was wearing, in addition to a cane he was holding and temporarily pointing in the air. PO Lamneck did not recall § 87(2)(b) making any threatening statements about using the scissors or him making any attempts to use the scissors in a threatening manner. PO Lamneck was familiar with § 87(2)(b) prior to this incident, noting that § 87(2)(b) has a violent history, which he stated included incidents of screaming and

yelling at police officers, screaming at civilians at pharmacies, damaging the door of a Duane Reade and threatening a superintendent with a hammer. Given § 87(2)(b)'s possession of "weapons" and his violent history, PO Lamneck deemed the situation as dangerous and decided they needed to handcuff him for their safety and the safety of those around them. PO Lamneck grabbed § 87(2)(b)'s hand—which hand he specifically did not recall, while PO Carlucci reached for the other hand. § 87(2)(b) was in a standing position and actively resisting, which PO Lamneck described as stiffening his body and moving toward the building, which was in the opposite direction of PO Lamneck. PO Lamneck described § 87(2)(b) as very strong, given that § 87(2)(b) continued to tense up as PO Lamneck tried to get his arm behind his back. PO Lamneck moved § 87(2)(b) to the other side of the sidewalk, close to the curb, and bent him over onto a pile of garbage bags to get his arms behind his back. § 87(2)(b) grabbed PO Lamneck's pant leg, preventing him from placing the handcuffs on § 87(2)(b). PO Lamneck handed PO Carlucci his handcuffs, then proceeded to grab the collar of § 87(2)(b)'s coat and pushed § 87(2)(b) back down, which allowed PO Carlucci to successfully place the handcuffs on § 87(2)(b). PO Lamneck testified that he was aware of § 87(2)(b)'s size, age and condition—stating that § 87(2)(b) was in his 80s, about his height, and very strong physically.

PO Carlucci's statement was consistent with PO Lamneck's with the following exceptions (BR06). PO Carlucci did not speak with the superintendent when he arrived at the location, but he and PO Lamneck attempted to speak with § 87(2)(b) who was not acknowledging them. PO Carlucci did not recall what statements he and PO Lamneck made to § 87(2)(b) nor if they gave him any commands. § 87(2)(b) was screaming things that PO Carlucci did not understand because they were mostly in Chinese.

PO Prestigiaco and PO Castrillon (BR07, BR08) were not present for the execution of § 87(2)(b)'s restraint in handcuffs.

The EVENT Information pertaining to this incident (BR09), summarizes that the event type was an ambulance case, with an emotionally disturbed person; the document does not indicate any details regarding the initial call the officers received or any other information prior to § 87(2)(b) being handcuffed.

TRI § 87(2)(b), created by Sgt. Joseph Leonard regarding this incident, is consistent with PO Lamneck and PO Carlucci's statements (BR10).

Patrol Guide Procedure 221-01 states that the use of force is deemed reasonable when considering a list of circumstances, including the nature and severity of the circumstances, actions taken by the subject, size, age, and condition of subject in comparison to MOS, and subject's violent history (BR11)

Patrol Guide Procedure 221-02—pertaining to use of force—stated that officers must take necessary action to protect life and personal safety of all persons present; prior to using force, an officer must utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force and increase the likelihood of gaining the subject's voluntary compliance (BR12).

Patrol Guide Procedure 221-13 states that when a uniformed member of service reasonably believes that a person, who is apparently mentally ill or an emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in serious injury to himself or others, point number 7 states that officers must assess the situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service; point number 9 states that officers must attempt to slow the pace of the incident and establish dialogue with the EDP while awaiting arrival of specialize personnel; more specifically, when there is time to de-escalate, officers must take the time to ensure the safety of all individuals; point number 27 states that, if necessary, the officers must request the assistance of an interpreter if there is a language barrier. (BR17).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Discourtesy: Police Officer John Lamneck spoke discourteously to § 87(2)(b)

Allegation (D) Discourtesy: Police Officer John Lamneck spoke discourteously to § 87(2)(b)

PO Lamneck's BWC (BR02) reveals multiple instances in which he used profanity toward § 87(2)(b) the first two being at the 1:08 mark and 1:13 mark, where PO Carlucci and PO Lamneck are struggling to get an actively resisting § 87(2)(b) into handcuffs and PO Lamneck tells § 87(2)(b) "Stop fucking with me" and "I'm fucking sick of your shit". At the 5:10 mark, PO Carlucci and PO Lamneck are holding a continuously screaming § 87(2)(b) waiting for the ambulance, when PO Lamneck tells § 87(2)(b) to "Shut the fuck up"; At the 6:16 mark, as PO Carlucci and PO Lamneck are still waiting for the ambulance and § 87(2)(b) is still screaming, PO Lamneck says, "I don't understand what the fuck you're saying" to § 87(2)(b).

§ 87(2)(b) (BR03) did not state that any officer used profanity against him during this incident.

PO Lamneck (BR05) testified that § 87(2)(b)'s possession of scissors, which were hanging on his neck, made the situation dangerous, thus requiring the officers to place him in handcuffs. He used profanity while handcuffing § 87(2)(b) to be assertive, assuring § 87(2)(b) that he was being handcuffed and that he should stop fighting. § 87(2)(b) did not make any movement or statements threatening to use the scissors around his neck at any point. Regarding the profanities used after § 87(2)(b) was in handcuffs, he stated that he used profanity to be assertive, not in a derogatory manner. He told § 87(2)(b) to "Shut the fuck up" and "I don't understand what the fuck you're saying" because he was continuously screaming, and he hoped his use of profanity would come off as

assertive, making § 87(2)(b) stop screaming. Regarding to the stress-level of the situation, PO Lamneck stated that he deemed the situation as high-stress, which is typical of cases with emotionally disturbed people.

PO Carlucci (BR06) stated that he believed PO Lamneck used profanity while handcuffing § 87(2)(b) but he did not recall what specifically PO Lamneck stated. He did not recall PO Lamneck using profanity at any other point in the incident.

PO Prestigiaco and PO Castrillon (BR07, BR08) arrived at the scene after the allegation would have occurred.

“The mission and values of the New York City Police Department, states that “the Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect, while efficiently rendering police services and enforcing the laws impartially, by fighting crime both through deterrence and the relentless pursuit of criminals” Patrol Guide Procedure 200-02 (BR13). Profanity has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation. Disciplinary Case 2013-10143 (BR14)

§ 87(2)(b), § 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Christopher Carlucci forcibly removed § 87(2)(b) to the hospital.

Allegation (F) Abuse of Authority: Police Officer John Lamneck forcibly removed § 87(2)(b) to the hospital.

The surveillance footage (BR01) shows that PO Lamneck and PO Carlucci began placing § 87(2)(b) in handcuffs within 30-seconds of their arrival. PO Carlucci and § 87(2)(b) have a very brief conversation—in audible in this surveillance footage (BR01—after which PO Lamneck begins handcuffing § 87(2)(b).

PO Lamneck’s BWC (BR02) does not provide audio prior to the officer’s initiating § 87(2)(b)’s restraint in handcuffs. As PO Carlucci and PO Lamneck struggled to place handcuffs on § 87(2)(b) the only comprehensible statements § 87(2)(b) made were calling the officers “cowards”, asking them, “why?”, and stating “OK” repeatedly. At the 1:50 mark, the officers just placed the handcuffs on § 87(2)(b) and PO Lamneck proceeds to call the ambulance regarding to an emotionally disturbed person (EDP).

Neither of these videos (BR01, BR02) capture any officer calling for a police supervisor or a supervisor arriving on scene. In addition, neither video shows PO Lamneck or PO Carlucci taking any investigative steps that led them to determine that § 87(2)(b) was an EDP and needed to be taken to the hospital—including asking § 87(2)(b) about his taking medications, speaking to him or anyone else regarding his medical history, or requesting a supervisor on scene.

§ 87(2)(b) (BR03) stated that PO Lamneck and PO Carlucci initially spoke with the superintendent for about three minutes, after which they went to § 87(2)(b) and told him to go home or go to the hospital. § 87(2)(b) asked the officers why, after which he and the officers allegedly engaged in a back and forth, PO Lamneck and PO Carlucci became fed up with his constant response of “why” to their commands. At this point, PO Lamneck and PO Carlucci began handcuffing him. § 87(2)(b) told the officers not to touch him and began resisting, until the officer successfully placed the handcuffs on him. Discuss what happened next. Remember to include details relevant to the allegations.

§ 87(2)(b) (BR04) stated that § 87(2)(b) was upset prior to the arrival of PO Carlucci and PO Lamneck, but she stated that she could not see or hear the interaction between § 87(2)(b) and the officers, as she was coming in and out of the building.

PO Lamneck (BR05) stated that when the officers arrived at the location, they observed § 87(2)(b) screaming at the superintendent and her daughter. He did not remember whether § 87(2)(b) was making any physical gestures toward the two civilians. § 87(2)(b) possessed a cane, in addition to scissors that he had on the necklace around his neck. § 87(2)(b) was pointing his cane in the direction of himself and PO Carlucci, while continuously screaming in an incomprehensible manner. PO Lamneck noted that § 87(2)(b) has a violent history—including incidents of screaming and yelling at police officers, screaming at civilians at pharmacies, damaging a door at a Duane Reade and threatening a superintendent with a hammer. PO Lamneck did not recall § 87(2)(b) making any threatening statements about using the scissors around his neck, nor did he make any attempts to reach for them or use them in any way. A few seconds after their arrival, PO Lamneck decided that, upon noticing § 87(2)(b)'s weapons—the scissors and the cane—in addition to § 87(2)(b)'s violent history, it was best to place § 87(2)(b) in handcuffs for the safety of himself and others. After handcuffed, PO Lamneck called the ambulance. When the ambulance arrived, the officers escorted § 87(2)(b) inside, after which the ambulance transported § 87(2)(b) to § 87(2)(b) Hospital.

PO Carlucci's statement (BR06) § 87(2)(g) When he first observed § 87(2)(b) he was being very irate, described as flailing his arms and lifting his cane—moving it around for a couple of seconds. PO Carlucci was not sure if § 87(2)(b) was pointing the cane at the super and did not state that he pointed it in his or PO Lamneck's direction. As the officers approached § 87(2)(b) he and PO Lamneck tried to speak to § 87(2)(b) to get his attention, but § 87(2)(b) was not acknowledging them; he did not recall any specific statements he or PO Lamneck made. After observing § 87(2)(b)'s behavior—the screaming, flailing arms—and his weapons—the cane and the scissors, PO Carlucci deemed § 87(2)(b) a danger to himself and the superintendent. PO Carlucci was not sure if he or PO Lamneck called the ambulance. When the ambulance arrived, PO Carlucci notified § 87(2)(b)'s daughter, who spoke to the EMTs regarding § 87(2)(b)'s medical history.

PO Prestigiaco (BR07) stated that he and his partner, PO Castrillon, arrived at the location after § 87(2)(b) was already handcuffed. As they approached, PO Prestigiaco witnessed § 87(2)(b) screaming, which he could not understand because it was in a different language. PO Prestigiaco added that § 87(2)(b) is known to have scissors hanging off his neck, which were also in his possession during this incident. PO Prestigiaco stated that the scissors are what led him to believe § 87(2)(b) was a danger to himself or others; he did not recall § 87(2)(b) making any threatening statements about harming himself or someone else.

§ 87(2)(g) PO Castrillon could not recall if § 87(2)(b) was restrained. In addition, he did not recall if § 87(2)(b) had scissors in his possession. Since PO Castrillon was not present for the beginning of the incident, he stated that he could not speak to § 87(2)(b) being a danger, aside from the aggressive screaming.

The medical records (BR15), obtained from § 87(2)(b) provides an in-depth evaluation of § 87(2)(b)'s behavior and mental health on January 2, 2020. The Prehospital Care Report, beginning on page seven (BR15) and created by § 87(2)(b), noted that § 87(2)(b) presented agitated, upsetting behavior upon arrival. The EMTs spoke with § 87(2)(b)'s daughter, who informed them of his history of dementia and depression; the disposition they concluded was to transport § 87(2)(b) to the hospital. § 87(2)(b) was verbally aggressive and screamed on route to the hospital. The chief complaint was listed as § 87(2)(b) being an emotionally disturbed person with a potential psychiatric disorder. However, he did not exhibit any signs of a psychiatric issue. The social worker who evaluated § 87(2)(b) concluded that, after speaking with § 87(2)(b)'s daughter and analyzing § 87(2)(b)'s medical history/past hospital

[REDACTED]
 [REDACTED]
 [REDACTED]

According to Patrol Guide Procedure 221-13, when a uniformed member of service reasonably believes that a person, who is apparently mentally ill or an emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in serious injury to himself or others, point number 6 states that the officers must request a supervisor, additional personnel/equipment, if necessary, and an ambulance; officers must assess the situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service. In addition, officers must attempt to slow the pace of the incident and establish dialogue with the EDP while awaiting arrival of specialize personnel; more specifically, when there is time to de-escalate, officers must take the time to ensure the safety of all individuals. (BR17).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)


§ 87(2)(b)

- PO Lamneck has been a member of service for six years and has been a subject in one CCRB complaints and one allegation, none of which were substantiated. § 87(2)(g)
- PO Carlucci has been a member-of-service for six years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate his complaint.
- According to the Office of the New York City Comptroller, § 87(2)(b) has not filed a notice of claim regarding this incident as of July 30, 2020 (BR19).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR20).

Squad No.: 11

Investigator:	 Signature	Jessica Russo Print Title & Name	12/9/2020 Date
Squad Leader:	Edwin Pena Signature	IM Edwin Pena Print Title & Name	12/11/20 Date
Reviewer:	 Signature	 Print Title & Name	 Date

